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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,443	10/17/2003	Darwin Rambo	15097US01	1556
23446 7590 04/26/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER HARPER, V PAUL	
			ART UNIT	PAPER NUMBER
			2626	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/26/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/688,443	Applicant(s) RAMBO, DARWIN	
	Examiner V. Paul Harper	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*; 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 and 48-56 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37-46 and 48-51 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9, 10, 12, 14, 15, 17, 26 and 52-56 is/are rejected.
- 7) ☒ Claim(s) 6, 8, 11, 13, 16, 18-25, 27-36 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-5, 7, 9, 10, 12, 14, 15, 17, 26 and 52-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Zhang et al. (US Patent 6,381,266), hereinafter referred to as Zhang.

Regarding **claim 1**, Zhang discloses a method for identifying the encoding type of a central office codec. Zhang's method includes the following:

- reading at least one word from said voice data stream (Fig. 5, items 500 and 502, col. Abstract, levels are transmitted) ;
- generating at least one parameter using said at least one word (Fig. 5, items 502, 504, ..., 512 calculating a difference); and
- identifying, based on said at least one parameter, a type of encoding used in generating said voice data stream (Fig. 5, items 518, 520).

Regarding **claim 2**, Zhang teaches everything claimed, as applied above (see claim 1). In addition, Zhang teaches "wherein said type of encoding comprises linear

G.711, .mu-law G.711, and A-law G.711" (col. 1, 13-26, col. 2, lines 25-26, col. 10, lines 15-30).

Regarding **claim 3**, Zhang teaches everything claimed, as applied above (see claim 1). In addition, Zhang teaches "wherein said voice data stream is stored in a voice data stream file" (Fig. 4, item 412, receive modem with codec type detection).

Regarding **claim 4**, Zhang teaches everything claimed, as applied above (see claim 1). In addition, Zhang teaches "wherein said at least one parameter comprises a number of words of said voice data stream corresponding to a range of values" (Fig. 5, item 512, 514, accumulated difference associated with levels).

Regarding **claim 5**, Zhang teaches everything claimed, as applied above (see claim 4). In addition, Zhang teaches "said range of values comprises values having an absolute value less than or equal to a threshold" (Fig. 5, item 516; col. 8, lines 39-55, accumulated difference compared to predetermined threshold).

Regarding **claim 7**, Zhang teaches everything claimed, as applied above (see claim 4). In addition, Zhang teaches "said range of values comprises values having an absolute value greater than a threshold" (Fig. 5, items 520).

Regarding **claim 9**, Zhang teaches everything claimed, as applied above (see claim 1). In addition, Zhang teaches "wherein said at least one parameter comprises a number of words of said voice data stream having m-law linear equivalents corresponding to a range of values" (Fig. 5, items 520 and 522).

Regarding **claim 10**, Zhang teaches everything claimed, as applied above (see claim 9). In addition, Zhang teaches "wherein said range of values comprises values having an absolute value less than or equal to a threshold" (Fig. 5, item 516).

Regarding **claim 12**, Zhang teaches everything claimed, as applied above (see claim 9). In addition, Zhang teaches "wherein said range of values comprises values having an absolute value greater than a threshold" (Fig. 5, item 520).

Regarding **claim 14**, Zhang teaches everything claimed, as applied above (see claim 1). In addition, Zhang teaches "wherein said at least one parameter comprises a number of words of said voice data stream having A-law linear equivalents corresponding to a range of values." (Fig. 5, item 518).

Regarding **claim 15**, Zhang teaches everything claimed, as applied above (see claim 14). In addition, Zhang teaches "wherein said range of values comprises values having an absolute value less than or equal to a threshold" (Fig. 5, items 516).

Regarding **claim 17**, Zhang teaches everything claimed, as applied above (see claim 14). In addition, Zhang teaches "wherein said range of values comprises values having an absolute value greater than a threshold" (Fig. 5, items 520).

Regarding **claim 26**, Zhang teaches everything claimed, as applied above (see claim 1). In addition, Zhang teaches "performing one or more tests, each comprising one or more conditions using said at least one parameter" (Fig. 5, e.g. items 514, 516 and 520).

Regarding **Claim 52**, Zhang discloses a method for identifying the encoding type of a central office codec. Zhang's method includes the following:

- a processor (Fig. 4, item 410);
- a storage device (Fig. 4, items 412);
- a set of computer instructions residing in said storage device, said set of computer instructions, when executed by said processor, identifying a type of encoding used in generating said voice data stream (abstract, technique for identifying encoding law; computer instructions inherent for running on the processor).

Regarding **claim 53**, Zhang teaches everything claimed, as applied above (see claim 52). In addition, Zhang teaches "wherein said storage device comprises one of a hard drive, or other memory external to the processor, or memory internal to the Processor" (Fig. 4, item 412; memory shown as external to the processor).

Regarding **claim 54**, Zhang teaches everything claimed, as applied above (see claim 52). In addition, Zhang teaches "a network interface for receiving a voice data stream" (Fig. 4, item 402, a receiver).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang in view of well known prior art (MPEP 2144.03).

Regarding **claim 55**, Zhang teaches everything claimed, as applied above (see claim 53). But Zhang does not specifically teach "a media reader capable of reading a media containing a voice data stream file and capable of transmitting a voice data stream of said voice data stream file to said storage device." However, the examiner takes official notice of the fact that the use of these features for the purpose of storage and playback for voice data was well known in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Zhang such that the above features are

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included, because the ability to store, playback, and decode voice data using various encoding schemes expands the usefulness of Zhang's device.

Regarding **claim 56**, Zhang teaches everything claimed, as applied above (see claim 52). But Zhang does not specifically teach "a user interface for executing said set of computer instructions." However, the examiner takes official notice of the fact that the use of these features for the purpose of supporting more direct control of the system operations by the user.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Zhang such that the above features are included, because the ability to initiate the computer operations under user control expands the usefulness of Zhang's device.

Allowable Subject Matter

1. Claims 37-46, and 48-51 are allowed.

It is noted that the closest prior art of record, Zhang does not teach the following specific combination of features (as given in claim 37) "reading one or more words of said voice data stream; determining a first number of words of said voice data stream that corresponds to a first range of values; determining a second number of words of said voice data stream that corresponds to a second range of values; generating m-law linear equivalents of said one or more words of said voice data stream; determining a

third number of words corresponding to said m-law linear equivalents of said one or more words that have values within a third range; determining a fourth number of words corresponding to said m-law linear equivalents of said one or more words that have values within a fourth range; generating A-law linear equivalents of said one or more words of said voice data stream; determining a fifth number of words corresponding to said A-law linear equivalents of said one or more words that have values within a fifth range; and determining a sixth number of words corresponding to said A-law linear equivalents of said one or more words that have values within a sixth range.

Claims 6, 8, 11, 13, 16, 18-25, and 27-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. It is noted that the closest prior art of record, Zhang does not teach the specific features (or combination of features) given in these dependent claims.

Citation of Pertinent Art

2. The following prior art made of record but not relied upon is considered pertinent to the applicant's disclosure:

- Huang (US Patent Application Publication 2002/0111798) discloses a method for robust speech classification.
- Nystrom et al. (US Patent 6,195,337) disclose an encoding mode control method and decoding mode determining apparatus.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Paul Harper whose telephone number is (571) 272-7605. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VPH

4/24/07

V. PAUL HARPER
PRIMARY PATENT EXAMINER

